

SN 09/609,316

Page 7 of 11

**REMARKS**

This response is intended as a full and complete response to the Statement of the Substance of the Interview concerning an interview, held on September 20, 2006 between Examiner Andrew Koenig from the USPTO and Chin (Jimmy) Kim, representative of the Applicant and the final Office Action mailed August 23, 2006. In the Office Action, the Examiner notes that claims 106, 108-115 and 117-120 are pending and rejected. By this response, Applicant has amended claims 106, 108, 115, 117 and 120 and added new claims 121-123 in accordance with the interview held with Examiner Koenig on September 20, 2006.

In view of both the amendments presented above and the following remarks, Applicant submits that the claims now pending in the application are non-obvious under the provisions of 35 U.S.C. §103. Thus, Applicant believes that all the claims are allowable.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive including amendments.

**INTERVIEW SUMMARY**

Applicant's representative wishes to thank the Examiner for the courtesies extended during the interview and for taking time out of the Examiner's busy schedule to speak with Applicant's representative.

The Applicant acknowledges the Examiner's Summary of the Substance of the Interview mailed on September 26, 2006. The Applicant and Examiner Koenig discussed possible amendments to the invention with respect to simultaneous display of the videophone and television signal and encrypting the upstream and downstream audio/video signals that would help expedite the application. The Applicant, hereby, incorporates amendments and associated arguments regarding the simultaneous display of the videophone and television signal and encrypting the upstream and downstream audio/video signals to expedite the application.

496749-1

SN 09/609,316

Page 8 of 11

**35 U.S.C. §103 Rejection of Claims 106-110, 112-118, and 120**

Claims 106-110, 112-118, and 120 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,990,927 to Hendricks (hereinafter "Hendricks") in view of U.S. Patent 5,999,207 to Rodriguez (hereinafter "Rodriguez") and U.S. Patent 5,062,136 to Gattis et al. (hereinafter "Gattis"). Applicant respectfully traverses the rejection.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Hendricks, Rodriguez and Gattis references, alone or in combination, fail to teach or suggest all of the limitations recited in claim 106, and thus fail to teach or suggest Applicant's invention as a whole.

The Hendricks, Rodriguez and Gattis references fail to teach or suggest at least a first decryption module and an upgrade decryption module having different decryption formats for decrypting the downstream communication signal encrypted according to a second encryption format for a combined video and audio encryption such that the set top terminal is able to simultaneously display both the television program and the video call features.

Specifically, the upgrade to allow for simultaneous display of video call and video programming has many advantages. For example, two sports enthusiasts may each watch the same sports event program while engaging in an interactive picture-in-picture video call to discuss the action.

The Hendricks reference discloses hardware upgrades for a set top terminal. In particular, the Hendricks reference discloses the hardware upgrades as shown in Figures 9a, 9b, 10, 12a and 12b. The Hendricks references does not teach or suggest the STT having at least a first decryption module and an upgrade decryption module having different decryption formats for decrypting the downstream communication signal encrypted according to a second encryption format for a combined video and audio encryption such that the set top terminal is able to simultaneously display both the television program and the video call features.

The Rodriguez reference fails to bridge the substantial gap between the Hendricks reference and the Applicant's claimed invention. The Rodriguez reference

SN 09/609,316

Page 9 of 11

discloses a graphical user interface for a videophone in a cable television system that allows the user to access the videophone functionalities with an input control device and a television monitor. This videophone may be implemented as a plug-in device to a set-top box. However, the Rodriguez reference does not teach or suggest the claimed feature of at least a first decryption module and an upgrade decryption module having different decryption formats for decrypting the downstream communication signal encrypted according to a second encryption format for a combined video and audio encryption such that the set top terminal is able to simultaneously display both the television program and the video call features.

The Gattis reference also fails to teach or suggest the above limitation. The Gattis reference discloses a teleconferencing system for use with a desktop computer (see Abstract). Gattis discloses on column 4, lines 25-41 that the decryptor provides an output in a form suitable for the input of the desktop computer and the display. Therefore, the Gattis reference does not teach or suggest the feature of at least a first decryption module and an upgrade decryption module having different decryption formats for decrypting the downstream communication signal encrypted according to a second encryption format for a combined video and audio encryption such that the set top terminal is able to simultaneously display both the television program and the video call features.

Thus, the Hendricks, Rodriguez and Gattis references, alone or in combination, fail to teach or suggest the Applicant's invention as a whole. Moreover, because that feature is not taught or suggested by any of the references, it is improper hindsight to pick and choose the references to recreate this feature when the teaching is only found in the applicant's disclosure.

As such, Applicant submits that amended independent claim 106 is patentable under 35 U.S.C. §103(a) over Hendricks in view of the Rodriguez and Gattis references alone or in combination. Moreover, independent claims 115 and 120 contain substantially similar limitations as those discussed above in regards to claim 106. Therefore, claims 115 and 120 are also allowable under 35 U.S.C. §103. Dependent claims 108-110 and 112-114, and 117-118 depend directly or indirectly from independent claims 106 and 115 and recite additional limitations thereof. As such and

496749-1

SN 09/609,316

Page 10 of 11

for at least the same reasons discussed above with respect to claims 106 and 115, these dependent claims are also non-obvious in view of the Hendricks, Rodriguez and Gattis references alone or in combination under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the rejection be withdrawn.

### **35 U.S.C. §103 Rejection of Claims 111 and 119**

The Examiner has rejected claims 111 and 119 under 35 U.S.C. §103(a) as being unpatentable over Hendricks, Rodriguez and Gattis in view of U.S. Patent 5,867,227 to Schindler et al. (hereinafter "Schindler"). Applicant respectfully traverses the rejection.

Claims 111 and 119 depend indirectly from independent claims 106 and 115 and recite additional limitations thereof. Moreover, for at least the reasons discussed above, the Hendricks, Rodriguez and Gattis references fail to teach or suggest Applicant's invention as recited in claims 106 and 115. Accordingly, any attempted combination of the Hendricks, Rodriguez and Gattis references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicant submits that dependent claims 111 and 119 are non-obvious and are patentable under 35 U.S.C. §103.

Therefore, Applicant respectfully requests that the Examiner's rejection be withdrawn.

### **NEW CLAIMS**

Applicant herein adds new claims 121-123 in accordance with the Interview held with Examiner Koenig on September 20, 2006. The Applicant submits that no new matter is added and that claims 121-123 are in condition for allowance.

### **CONCLUSION**

Applicant submits that claims 106, 108-115 and 117-123 are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.


SN 09/609,316

Page 11 of 11

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 9/29/06

  
\_\_\_\_\_  
Eamon J. Wall, Attorney  
Reg. No. 39,414  
(732) 530-9404

Patterson & Sheridan, LLP  
Attorneys at Law  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702